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USDOC FOR 532/OEA/M. NICKSON-D/JAY HATFIELD
USDOC FOR 3131/USFCS/OIO/ANESA/KREISSL
USDOC FOR 4530/MAC/ANESA/OSA
ICE HQ FOR STRATEGIC INVESTIGATIONS
STATE FOR EB/ESP

E.O. 12958: N/A

TAGS: [ETTC](#) [ETRD](#) [BEXP](#) [IN](#)

SUBJECT: EXTRANCHECK: POST-SHIPMENT VERIFICATION: SANCHAR ANTENNA
AND COMMUNICATIONS SYSTEMS, NEW DELHI, LICENSE NO. D331882

REF: USDOC 02168

¶1. Unauthorized disclosure of the information provided below is prohibited by Section 12(c) of the Export Administration Act.

¶2. Export Control Officer (ECO) Paul Cushman and BIS FSN Prem Narayan attempted to conduct a Post-shipment Verification (PSV) at Sanchar Antenna and Communications Systems (SACS), New Delhi. As it was discovered that the Indian Purchaser, Agmatel India (Agmatel) in New Delhi, retained the items, the interview took place at Agmatel on April 13, 2007. Prior to meeting Agmatel representatives, FSN Narayan spoke with Pankaj Gupta, Senior Partner at SACS, who stated that Agmatel did stage a demonstration of the equipment at SACS facility but due to disagreement in pricing, SACS never purchased it. Agmatel later confirmed this.

¶3. BIS requested an appointment with Agmatel, a private sector company located at B-28, First Floor, Patparganj Industrial Area, Delhi 110092, tel: 91-11-2216-2969, fax: 91-11-2216-2967, email: agmatel@vsnl.com. Website: www.agmatel.com. SACS was listed as the Ultimate Consignee, Tektronix (India) Ltd., Bangalore, as the Intermediate Consignee and Agmatel as the Foreign Purchaser for one Model TDS3052B digital phosphor oscilloscope controlled under ECCN 3A292. As of August 30, 2005, BIS decontrolled NP2 controlled items for India including oscilloscopes. The license applicant was Tektronix Inc., Beaverton, OR. The BIS export license D331882 under which the subject was covered expired on February 28, 2007.

¶4. Cushman and Narayan met with A.K. Aggarwal, Director, Test & Measurement and V.K. Malhotra, Director, IT & Office Automation, Agmatel.

¶5. In July 2005, then ECO Rufe conducted a favorable PSV at Agmatel for a different BIS export license No.D310706. Agmatel representatives were familiar with BIS and the Regulations as they are the sole Tektronix distributors in India. Aggarwal stated that since SACS did not purchase the oscilloscope, they sold it to another customer, Technical Education Quality Improvement Program (TEQIP) Cell, G.B. Pant Engineering College (GBP), Pauri-Garhwal, Uttaranchal. To support this transaction, Aggarwal provided a copy of Tektronix Invoice, GBP Purchase Order, Tektronix Customs Invoice & Packing List, Air Waybill and Agmatel delivery receipt confirming that the oscilloscope was delivered at GBP. ECO and Narayan reviewed the transaction documentation provided by Agmatel that matched with details provided by BIS in supporting documentation for subject including the oscilloscope serial number B025214.

¶6. ECO asked Aggarwal whether he secured BIS permission prior to selling the oscilloscope to GBP since Agmatel purchased it for SACS. Aggarwal stated that they informed Tektronix who in turn informed

Agmatel by an email message that since the item is decontrolled now, no new license or permission is required. He promised that he would forward this email to BIS New Delhi. To date, he has not provided a copy of the Tektronix email message. ECO inquired about the end-use of the oscilloscope at the GBP. Aggarwal stated that the oscilloscope is used for experimentation, training and education purposes at the Electronics Department of the GBP. He stated that GBP submitted an end-use statement with Agmatel declaring the end-use and agreeing that it will not sell or re-export it from India and will use the item as per the stated end-use. Aggarwal did not have a copy of the GBP end-use statement that he claimed was submitted by GBP.

¶7. GBP: Per its Website, established in 1989 and commenced its first academic session in 1991, GBP is an Uttarakhand state government owned engineering college. GBP offers under-graduate courses in Electronics and Communication Engineering, Computer Science & Engineering, Electrical Engineering, Mechanical Engineering, Civil Engineering, and Production Engineering. In addition, it offers Master Degree courses in Bio-Technology, Digital Signal Processing and Computer Applications.

¶8. Agmatel: Established in 1992, Agmatel is a marketing company in the fields of test and measurement equipment, information technology and office automation equipment. In the test and measurement division, Agmatel represents Tektronix, Keithley, Mechatronics, Falcon and Elnova. Agmatel has a Rate Contract with the GOI, Directorate General of Supplies and Disposals, New Delhi, for the supply of Tektronix oscilloscopes. Agmatel has sales offices in Jammu, Lucknow, Dehradun, Bangalore, Bhopal and Chandigarh. Agmatel employs 60 personnel including 30 engineers. Agmatel reported a sales turnover in FY 2005-06 of approximately \$17 million.

¶9. Recommendation: This check is inconclusive since ECO could not conduct the on-site verification for the oscilloscope at the G.B.

Pant Engineering College. (PSCUSHMAN/PNARAYAN) Mulford